

AGENDA MEMO

CITY COUNCIL MEETING DATE: FEBRUARY 7, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: VAR-18299 - APPLICANT: GRITZ CAFÉ - OWNER:
EXPERTISE SCHOOL OF BEAUTY LLC**

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (6-1/sd vote) recommends APPROVAL, subject to:

Planning and Development

1. Conformance to the conditions for Rezoning (Z-136-94) and Site Development Plan Review (SDR-6140) if approved.
2. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Variance to allow 40 parking spaces where 48 spaces are required on 0.99 acres at 1911 Stella Lake Street. A related Special Use Permit (SUP-18298) will also be considered on this agenda.

The request does not meet the criteria for the approval of variances, as the hardship is self-created and the applicant could change the amount of floor area dedicated to some of the uses proposed for this building in order to comply with parking requirements.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
12/21/94	The City Council approved a rezoning of the subject property from R-E (Residence Estates) to C-PB (Planned Business Park). The Planning Commission and staff recommended approval.
04/20/05	The City Council approved a Site Development Plan Review (SDR-6140) for a 13,107 square foot cosmetology school and waivers of building setback and perimeter landscaping requirements on the subject site. The Planning Commission and staff recommended approval.
11/16/05	A building permit was issued for this site.
05/26/06	A business license was issued for the beauty school.
01/11/07	The Planning Commission recommended approval of companion item VAR-18299 concurrently with this application. The Planning Commission voted 6-1/sd to recommend APPROVAL (PC Agenda Item #26/ar).
11/14/06	The requirements for a Special Use Permit and a Variance were explained.
<i>Neighborhood Meeting</i>	
	A neighborhood meeting is not required for this application.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.99

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning	
Subject Property	Business school (hair dressing)	LI/R (Light Industrial/Research)	C-PB (Planned Business Park)	
North	Office/warehouse	LI/R (Light Industrial/Research)	C-PB (Planned Business Park)	
South	Metro substation	PF (Public Facilities)	C-PB (Planned Business Park)	
East	Undeveloped	LI/R (Light Industrial/Research)	C-1 (Limited Commercial)	
West	Middle school	PF (Public Facilities)	C-V (Civic)	
<i>Special Districts/Zones</i>		<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X		
Las Vegas Enterprise Park		X		Y
West Las Vegas Plan		X		Y
<i>Special Districts/Zones</i>		<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X		
Downtown Redevelopment Area		X		Y
Trails			X	
Rural Preservation Overlay District			X	
Development Impact Notification Assessment			X	
Project of Regional Significance			X	

West Las Vegas Plan and Downtown Redevelopment Area

The subject site is located within the West Las Vegas Plan and the Downtown Redevelopment Area on the Southeast Sector Plan Map of the General Plan. These special overlay districts contain standards for redevelopment that are intended to stimulate revitalization of the City's historic urban core.

Las Vegas Enterprise Park

The Las Vegas Enterprise Park is intended as a mixed-use business development under the City's zoning standards. The standards provide for an area exclusively for and conducive to the development and protection of modern administrative facilities, research institutions, and specialized manufacturing operations. The essence of the business park is to provide for an aesthetically attractive working environment.

DEVELOPMENT STANDARDS

Standards	Required	Approved per SDR-6140	Compliance
Min. Lot Width	100 feet	173 feet	Y
Min. Setbacks			
• Front	20 feet	21 feet	Y
• Side	10 feet	7 feet	N*
• Corner	20 feet	NA	N/A
• Rear	15 feet	74 feet	Y
Max. Lot Coverage	50 %	33%	Y
Max. Building Height	NA	1 Stories / 20 feet	N/A
Trash Enclosure	Screened with roof	Screened with roof	Y

A reduction of this side setback was approved as a waiver within SDR-6140.

Standards	Required		Approved per Waiver within SDR-6140
	Ratio	Trees	
Parking Area	1 tree/6 spaces + 1/2 row ends	9 trees	5 trees
Buffer:	<ul style="list-style-type: none"> 1 tree/20 linear feet (adjacent to ROW) 1 tree/ 30 linear feet (adjacent to lot lines) 	6 trees 22 trees	5 trees 13 trees
Min. zone width	15 feet (adjacent to ROW)/8 feet (sides)		15 feet/ 10 and 7 feet

Pursuant to Title 19.10, the following parking standards apply:

The minimum is 100 sq ft per vehicle, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required		Provided		Compliance	
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular		Handi-capped
Business school (hair dressing)	10,725 sf	1 sp/staff; 1 sp/2 students	30				
Office	1,200 sf	1 sp/300 sf	4				
Restaurant – public areas	574 sf	1 sp/50 sf	11				
Restaurant - non-public areas	616 sf	1 sp/200 sf	3				
TOTAL			48	2	40	2	N
Percent Deviation					17 %		

ANALYSIS

The site plan illustrates a 13,107 square-foot building in the south portion of the 0.99-acre site. The previously approved Site Development Plan Review (SDR-6140) indicated that the cosmetology school would have 10,725 square feet and a parking requirement of 30 spaces, while the remaining 2,382 square feet of floor area would be used as office space and generate a parking requirement of eight spaces. Combined, the cosmetology school and office space had a parking requirement of 38 spaces, which was met by the 40 on-site spaces. The applicant now proposes to convert approximately half of the office space (1,190 square feet) to a restaurant. Per Title 19, a restaurant with less than 2,000 square feet is required to receive approval of a Special Use Permit when proposed for the C-PB (Planned Business Park) zoning district.

Additionally, when combined with the existing school and office, this new use creates a parking requirement of 48 spaces, which is not met by the 40 on-site spaces and has led the applicant to request a related parking variance (VAR-18299) to allow a 17 % reduction in required parking.

Parking for the development is shown along the north and west sides of the property. Access is provided by Stella Lake Street.

FINDINGS

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.”

Additionally, Title 19.18.070L states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by not providing the required number of parking spaces for the existing and proposed uses. The provision of additional parking spaces or a change in the amount of floor area dedicated to some of the uses proposed for this building would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site’s physical characteristics, it is concluded that the applicant’s hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 13

ASSEMBLY DISTRICT 7

SENATE DISTRICT 4

NOTICES MAILED 180 by City Clerk

APPROVALS 0

PROTESTS 0